
JONATHAN ZUCK: Hello, folks, and welcome to the 52nd Plenary of the CCT Review. Is there anyone who is only on the phone and not in Adobe Connect?

JAMIE HEDLUND: Yeah, I'm on the phone.

JONATHAN ZUCK: : All right. Thanks, Jamie. Are there any updates to any Statement of Interest? Okay, great. [inaudible] take attendance.

I thought we would jump right in with Recommendation 1. Why not start with Recommendation 1? Brenda, if you could flip the slides, I'd appreciate it. Do I have control, or should I tell you next slide? What's the best way to proceed?

BRENDA BREWER: I'm going to give you control, Jonathan. One second.

JONATHAN ZUCK: Oh, my goodness.

BRENDA BREWER: There you go. Thanks.

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

JONATHAN ZUCK:

All right. Very exciting. Okay, so this is just a little experiment in terms of how to discuss the recommendation and the changes in addition to discussing the substance of Recommendation 1. Let me know if this seems like a good way to have the conversation as well.

If you recall, the elements of Recommendation 1 were the proactive data collection policy, the idea of establishing – and this is where the specificity becomes a challenge – but again there was a recommendation to hire a data scientist or to simply establish an entity within ICANN that proactively collected data for policy development, both staff initiatives and community initiatives. And we mentioned a potential new hire of a data scientist.

Community reaction to this was 4 comments in favor, 2 that were not necessarily against but were concerned about the cost-benefit of this recommendation, a 2 that were neutral and want clarification, and then there were 14 comments that were silent on the recommendation. So all things considered, there was a positive reaction to this particular recommendation.

Please raise your hand or speak up if you want to stop me anywhere along the way.

If we look at the primary objections or concerns raised around Recommendation 1, they basically fell into three categories. One was cost versus benefit. The Registry Stakeholder Group and Neustar are just concerned that the costs would outweigh the benefits. There was some concern over data security. And then there was a concern raised by ICANN staff that it was in some ways redundant with the office that

Eleeza and Brian are part of now, which is there to facilitate data identification and acquisition and analysis at the request of working groups and review teams. Those are the three objections that were raised. I just wanted to go through them one at a time.

On the cost side, I think there was some confusion because it felt like it was just this open-ended request that ICANN start collecting all the data they could think to collect related to the domain name industry. The idea instead was that the actual needs for data collection will be determined on a case-by-case basis. So it wasn't meant to just be an open-ended start collecting everything you can, but instead be initiative driven and be determined on a case-by-case basis.

Likewise, cost-benefit would be assessed on a case-by-case basis as well. In other words, if in a particular instance there was a request for data or an identification of data that should be collected for a particular policy initiative, then cost-benefit should be a part of the discussion around that particular data collection.

So this is really meant to be prescriptive not from a substantive or data standpoint but really from a policy and objective standpoint. I think that might have been part of the confusion around the cost.

Further, I would say that cost savings are likely because of more effective problem identification. In other words, if we're driven by anecdotes to bring about a policy initiative either through the strategic plan or community working groups, etc. and haven't really provided evidence for the quantification of the harm that's being addressed, then we could be launching initiatives that aren't truly necessary.

It will allow for more effective policy review. Instead of trying to find data after the fact, we'll be collecting data along the way.

Finally, the idea of midcourse correction. In other words, if you build into policy initiatives the notion of checking in on the success factors along the way and something isn't working or part is working and part isn't working, it gives the opportunity to make modifications to the policy going forward, which I think has positive cost implications as well.

Security. Again, the seemingly open-ended nature of this recommendation made it seem like a catchall for all the things that we didn't list. So that led some to suggesting we should list the specific data that you want to get so it could be addressed case-by-case by commenters. The point was to address it case-by-case going forward, and it wasn't meant to just be an open-ended catchall of data collection.

The same thing is that data security policies could be developed to facilitate securing data or to make specific recommendations around the anonymization of data or the aggregation of data as necessary.

Then finally on the issue of redundancy, which was an issue brought up by ICANN staff, the primary difference is really just proactive versus reactive data collection. The idea being that in the context of an initiative being launched, data would be collected to help define the problem and identified and collected to measure the success of the particular initiative. So it's really just incremental [expansion] of the current resources that ICANN makes available on an on-demand basis today.

In terms of the primary benefits in terms of trying to expound on them, the idea of this recommendation is the objectification of policy development and review, whether it's ICANN Org based policy development or community based. I know the Org doesn't do policy development, so initiative development if you will.

It allows for objective problem assessment to determine the degree to which something justifies a new initiative. It allows for objective success measures where possible. And it allows for objective program review and opportunity for midcourse correction. There's potential for cost savings because of ongoing data collection and program evaluation and modification. As I said before, one of the benefits I think in the long run will, in fact, be a cost decrease because there won't be unnecessary policies or initiatives that are launched and the ability to scuttle something if it has a cost associated with it but it isn't working could have long-term cost benefits as well.

All that leads me to new text to try and as briefly as possible incorporate these notions into the text of the recommendation itself. It begins the same: "Formalize and promote ongoing data collection. In an effort to objectify ICANN policy, the ICANN organization should establish a formal initiative, perhaps including a dedicated data scientist, to facilitate quantitative analysis by staff, contractors, and the community, of policy initiatives and review. Specifically, where possible, ICANN staff should proactively collect data to justify policy initiatives whether ICANN Org or community driven, identify and collect data necessary to measure program success, both incrementally and in retrospect. On a case-by-case basis, this entity would help to ascertain the cost-benefit and security requirements for the data in question."

I would say that the primary changes to this are the idea of, in the second sentence, “to facilitate quantitative analysis by staff, contractors, and the community, of policy initiatives” rather than of the domain name marketplace, which is what was in the previous text of the recommendation which I think seemed to imply that it was an open-ended request to just start collecting everything that they could that I think some folks were reacting to.

And then we got specific about what the new policy was, which was to proactively collect data before and during a policy initiative. And then finally a kind of caveat on the end that “On a case-by-case basis, this entity would help to ascertain the cost-benefit and security requirements for the data in question.”

So it’s meant to be more specific in terms of the intention and to bring in some caveats that address people’s concern.

That is my proposal for the new text for Recommendation 1, which I propose we keep and that we maintain at the same priority level. Some of what is in the slides will probably make it into the public comment tool as explanation, but hopefully the new recommendation text goes a way to address some of the concerns that were raised in the public comments while preserving the essence of the recommendation that the majority seemed to favor.

I’m happy to have discussion and questions both on the substance of the recommendation and on the structure of the presentation.

Carlos, go ahead. You seem to be on mute, Carlos.

CARLOS GUTIERREZ: Hello?

JONATHAN ZUCK: Yeah, we can hear you now, Carlos. Thank you.

CARLOS GUTIERREZ: Can you hear me?

JONATHAN ZUCK: Yes.

CARLOS GUTIERREZ: Thank you. Sorry. Thank you, Jonathan. Just on the substance, when you explained the very last sentence, you talked more about privacy than about security. I don't know if they both go together or if security is a wider definition.

The second comment I want to make is actually this was like a heading for very specific data requirements that come next in our initial list of recommendations. Now it has gotten a sense of being a standalone. For me, it was always the introduction for the next four or six data requirements. So I don't know if you would prefer to leave it that general and then go into the specific ones.

Those are my two comments: privacy and what's the relation with the next step of recommendation which becomes very specific. It has

become like an overarching data requirement. For me, it was always the introduction to our pricing requirements and very, very [inaudible] type of data. Thank you very much.

JONATHAN ZUCK:

Thanks, Carlos. Just to answer your question, for me – and again, I can't speak for everyone because this might have been a lack of clarity in the construction of the recommendation – it was never about the following recommendations but was meant to stand alone as an independent initiative to identify data proactively so that future reviews, both within the CCT and outside the CCT, would be better served. Because what we discovered is that lack of data was something that was sort of a perennial problem for the organization, and so this was an attempt to make an proactive organizational change to be proactive in the identification and collection of data for [any of the new] initiatives.

I think people reacted to it feeling like an open-ended catchall, and that may be that they thought of it also as an introduction or an addition to the specific data requests we were making and that may have been part of the cause of concern. It was like this one was “and let's collect everything else” or something like that. I think that my attempt here to make it independent and more specific hopefully will address that concern, but it was never my intention at least that it specifically was an introduction to or related to the other recommendations that we've made.

As for your first question about security versus privacy, we could update that last sentence: “On a case-by-case basis, this entity would help to

ascertain the cost-benefit and security and privacy requirements for the data in question” if you think that would make sense for greater clarity. Does that text help you with your understanding? Okay, thanks, Carlos.

Waudu, I see a comment about seeing the new text. That’s what this is on the screen right now, Waudu, is the recommendation for new text for Recommendation 1.

Laureen, go ahead please.

LAUREEN KAPIN: I don’t want to jump the queue. I think David’s next and, David, you know I’m always advocating on your behalf.

JONATHAN ZUCK: Oh, and I’m always missing David. David, go ahead.

DAVID TAYLOR: Thank you very much, Laureen, and thank you for being true to form, Jonathan, in jumping over me.

I have a query. I thought there was an inconsistency where we’re saying early on establishing a formal initiative and later on we talk about an entity. To me, I thought maybe we should be more specific on that because are we asking them to create an entity, or is the entity part of an initiative somewhere along the line? I thought that needed to be a little bit more [precise].

JONATHAN ZUCK:

Yeah, you raise a good point and I don't have a good answer. I welcome some thoughts on that because I think when we first discussed this recommendation, several – I think Jamie in particular – suggested being less prescriptive about what we were recommending from a structural standpoint. Instead, saying “solve this problem” and then let the organization try to find perhaps [inaudible] community the best way to solve the problem generally. So I think that's leading me, unfortunately, to confused text.

Because we initially said let's get a data scientist in there because that would then give us a scarecrow to refer to throughout the rest of the recommendation. And absent that hire, it's maybe a reference to the department that Eleeza and Brian are already a part of, and that's what I meant by “entity.”

So I think it's a very good question, and I don't have a good answer yet. I'll continue to noodle it, but if you have a specific recommendation on how to fix that particular problem of trying to be specific but not prescriptive, I welcome it.

DAVID TAYLOR:

Obviously, we have to think about it. I suppose really [the way you've got it] you could either if you keep it broad having “a formal initiative” and you've got “perhaps including a dedicated data scientist” “or a specific entity,” and then later on you could say “this entity or data scientist would help.” That way, you've covered it and your suggesting with a “perhaps.” Unless you want to be more prescriptive, which may be the case and maybe we should discuss that. But we should be

specifically recommending an entity or data scientist because, obviously, an initiative is very broad and we could just have a working group set up to discuss it that we'd all be dissatisfied with.

JONATHAN ZUCK: Oh, God.

DAVID TAYLOR: So it may be we need to be more prescriptive.

JONATHAN ZUCK: Right. And maybe the answer is – I feel lame for asking this – but if there's a name for the data department, we could just say "empower this department to" perhaps including the hire of a data scientist or something like that and then just make reference to the department or something. That would likely be the entity within the organization that would be affected by the recommendation.

DAVID TAYLOR: It's a semi-joke, but I suppose you could just say [Dan Halloran].

JONATHAN ZUCK: That's right. There you go. All right, thank you, David. Laureen, go ahead.

LAUREEN KAPIN:

Thanks, Jonathan. I'm actually going to disagree a little bit with David. I think "formal initiative" is the right way to go and not be prescriptive. And in fact, I would echo that term at the bottom and say "this initiative." That way, you would leave it to ICANN and I suppose the community to decide the best way to effectuate this. I agree with your reaction to working group. I would never suggest creating a working group for this.

I would change the language to "in an effort to create more objective ICANN policy" because "objectify" has these many meanings and what you really are asking is an effort to make something more objective. So I think you need to phrase it that way.

And what was the other point I had? Your use of the term "quantitative," do we need the word "quantitative"? Because I know in a lot of the data analysis that we have done, for example, it has been both quantitative and qualitative but it's still data. And I didn't know that we wanted to necessarily limit it that way since I think the main impetus for this was to focus on a more data-driven effort. So I don't know that we want to put boundaries around the type of analysis but just that there should be a collection of data and an analysis of that data.

But otherwise, I like this very much and I think it's a good improvement over the last and addresses a lot of the issues raised by the public comments.

LAUREEN KAPIN: Okay, thanks, Laureen. I've written down your comments and I'll try to make another pass at the text to address it.

David, is that a new hand, or is your hand still up? Okay then, I think next in the queue is Jamie.

JAMIE HEDLUND: Thanks, Jonathan. Thanks, all. Just one idea for addressing the concern of the cost-benefit analysis would be to put in a sentence acknowledging that ICANN data collection would, of course, be constrained by the ICANN Mission. It's basically in there already when you say it's ongoing policy development, but even there it would be possible to stray beyond ICANN's Mission and go into areas like the marketing of gTLDs or other areas that might be outside of ICANN's remit. The fact that it would be constrained by ICANN's mission is a protection against costs exceeding benefits. Thanks.

JONATHAN ZUCK: Thanks, Jamie. I've made note of that as well. Laureen, go ahead.

LAUREEN KAPIN: Thanks. I had two other comments: one raised by Jamie's point and then another that I forgot to raise.

When you're talking about security requirements for data in question, I thought that you were using that as an umbrella term to include privacy and confidentiality. We probably could come up with a whole long list, but I'm not sure actually that we want to have a whole long list. So I was

actually in favor of the broader term “security,” which I took to include issues such as privacy and confidentiality which can be viewed a little differently.

In terms of the Mission and remit issue that Jamie raises, I think that’s a valid concern. However, I would say that probably relates to each and every one of our recommendations. Therefore, what I would suggest instead of putting it in this recommendation, perhaps a general statement before any of our recommendations with the observation that all of these are intended to only apply within the scope of ICANN’s remit. Otherwise, I think we’re going to be wanting to repeat that for a lot of these, and that seems to me to be a little redundant.

JONATHAN ZUCK: All right, thanks, Lauren. Jamie, what do you feel about an overall [inaudible] about ICANN’s remit.

JAMIE HEDLUND: I think that’s a great idea. I think Lauren is absolutely right. It applies to everything, and it’s sort of [inaudible]. We’re already constrained by the Mission and Bylaws, but repeating that here for all the recommendations I think makes a lot of sense. Thanks.

JONATHAN ZUCK: Thanks, Jamie. Eleeza, can I put you on the spot to address whether or not you think the changes gently add sufficient specificity to distinguish this recommendation from current capabilities of operations and policy research.

ELEEZA AGOPIAN:

Hi, Jonathan. Sure. I do think it gets into a greater specificity, so I do think that's helpful. I guess the one question I had as I was reading this is, how would we be measuring success of this measure? Because as I've mentioned, some of these things my team does. Also, we're not the only team at ICANN that does research. The office of the CTO does a lot of DNS-related research. They're the ones who are developing this new DNS abuse reporting tool which will serve your recommendations [right into] that really well. They'll be able to produce a lot of the data that you've commissioned [Siden] to do.

I guess my only outstanding thought on this is if we came back to this two years later [inaudible] hire a data scientist, for example, how would we explore the notion of success of this measure?

JONATHAN ZUCK:

I guess I have a sense of that, and the question is whether or not we should build that into this description, which we can do but it would be to "eat our own dog food" so to speak. But I guess it would be by looking at work group policy initiatives and reviews and strategic plan initiatives to see if, in fact, their problems were defined via data and whether or not there had been success in implementing interim reviews of those initiatives. Something like that. Does that make sense?

ELEEZA AGOPIAN:

I think so. I mean, I think it's a bit fuzzy, but I think I certainly understand the intention of the recommendation. So [inaudible] of it.

JONATHAN ZUCK:

All right. Any other questions or comments? Do people find this to be a relatively clear way to go over the recommendation? All right, [inaudible] that and get a checkmark from Carlos maybe. All right. Well, thank you for allowing me to guinea pig this discussion and I will go through and incorporate these comments into another draft.

So next on this, we have Laureen – or no. I guess because of Jordyn’s absence, let’s skip ahead to #5, Laureen, if we could on the Safeguards and Trust.

LAUREEN KAPIN:

Okay, and some of these are not actually safeguards and trusts. They’re cross-cutting, which is why I wanted to raise them on a plenary call. I’m wondering if it’s possible, Brenda, to get to the text of recommendations. There was that great excerpt from our CCT report where it’s just the recommendations that are listed. Because I think that would actually help drive this discussion.

Specifically while I’m waiting for that – and, Brenda, let me know if I haven’t been clear on what I’m asking for – specifically what I had proposed in an earlier e-mail is that we should at least discuss combining some of the recommendations that overlap in terms of subject matter, even though different parts of the review team recommended them.

For example, on this – David, I’m giving you a heads up because you’re the person I’m going to want to weigh in on this – Recommendation 10

talks about the costs related to defensive registration fees. The specific recommendation since I'm not seeing it on the screen yet is the ICANN community should consider whether the costs related to defensive registration for the small number of brands registering a large number of domains can be reduced. Of course, David has looked very closely at rights protection mechanisms as part of the Safeguards Team, and in fact, the Recommendation 40 which... maybe we can take a look at Recommendation 40, which is on page 16. Thank you. Recommendation 40 is a full impact study to ascertain the impact of the New gTLD Program on the cost and effort required to protect trademarks in the DNS, and then the rest of the recommendation talks about the study being repeated and specific timing. So, it struck me that this recommendation for a study in 40 and this recommendation to consider the cost related to defensive registrations, especially for brands, are related and perhaps could be consolidated.

So, that was the first part of this agenda item. So, I welcome people's views on that, and I particularly also want to hear from David on whether you think these can be combined. And I'm not sure who on the Consumer Choice Team actually held the pen for Recommendation 10, but whoever that is, I certainly would appreciate hearing from you as well.

David, I see your hand is up. Go ahead.

DAVID TAYLOR:

Thanks, Laureen. I see [inaudible] that will continue. I think it was Jordyn who held the pen on [#10]. I'm not sure, and I've been most

involved when we discussed it. I think it makes sense to blend them if we can, so yes. I'm looking to get more detail. I'm not sure how it fits in with the report itself. The recommendations I can see blending, but I presume we don't move them in the report, but we may have to juggle some wording in the report because there are different areas within it. But that's sort of a secondary thing, I guess. We'll find a way.

LAUREEN KAPIN:

That makes sense to me. I realize in the narrative it may require some adjustments, but 10 actually seems to me to be a subsection of your recommendation, that when the study is being conducted, perhaps one of the particular items that should be included would be this cost of defensive registration. So, that's my observation. But maybe as an action item, you and Jordyn can discuss this further and see whether it makes sense to combine these and to run one recommendation that's cross-referenced in the text in both places. Does that make sense?

DAVID TAYLOR:

I haven't looked at the comments on 10 yet, but we'll figure out a way of doing it if we can. It makes sense in theory, so as long as we can do it in practice, then I'm with you.

LAUREEN KAPIN:

Okay. Fair enough. Does anyone else have questions or comments on that proposal? Okay, then moving on the other proposal for combining – and I think this relates to Megan most particularly – would be Recommendation 11 which is called out in the Consumer Choice

section. Recommendation 11 is actually a pretty broad recommendation about the surveys being continued. But one of the particular issues that's called out as necessary for further study is regarding confusion, whether the greatly extended number and type of gTLDs has caused confusion for the end user. And then, of course, Recommendation 49 relates very specifically – it's directed at the PDP – to having the Subsequent Procedures PDP consider adopting new policies to avoid the potential for inconsistent results and string confusion objections.

Now, these are really only related regarding subject matter, and it may be that it doesn't make sense to combine these because one is a recommendation for further study really directed at the ICANN organization, and the other is directed at the Subsequent Procedures PDP and focusing on a rather particular issue about inconsistent results. But because they both raise the issue of confusion, I thought it was at least [inaudible] taking a quick look and a quick read from the group about whether it makes sense to combine these in any way or cross-reference them in any way. So, I raise that for the group, but I certainly acknowledge that these are different recommendations directed to different entities but that they share this one common link in terms of subject matter confusion, consumer confusion. So, asking folks their view on this, and perhaps particularly Megan.

Megan, go ahead.

MEGAN RICHARDS:

Thanks, Eleeza. No, I agree about the cross-reference. I think that might be the best solution, because I have adjusted this recommendation

slightly based on public comments. And a lot of the public comments are more or less repetitions of what we say that's said in the recommendation, rather than changes. So, it's true that – for me it was rather straightforward and rather clear that there were inconsistencies in the outcomes of these, and the registrants and the consumer survey should be repeated in the future. And so I think just a cross-reference to the other recommendations would be the solution. I don't think we need to change [everything].

LAUREEN KAPIN: Thanks, Megan. That actually makes sense to me as well. Other folks who have questions or comments on this?

JAMIE HEDLUND: And by this you mean Recommendation 9?

LAUREEN KAPIN: The proposal to cross-reference Recommendation 11 and 49, which both feel in some way with consumer confusion, at least in part.

JAMIE HEDLUND: Okay. So, no comment. Thanks.

LAUREEN KAPIN: Okay, then perhaps as an action item, we can have inserting a cross-reference in the discussion of Recommendations 11 and 49 so that they reference one another. And I think that's it for that particular item,

Jonathan. This was not intended to be a discussion on the merits, so to speak, of these recommendations. It was just a consolidation discussion.

JONATHAN ZUCK: Great, Lauren. Thank you. And do you have a sense of timeline for revisions to the recommendations themselves?

LAUREEN KAPIN: The whole team has been directed and has specific assignments for their recommendations to make sure that we get this done over the next few weeks, no later than the week of August 21st. So, my own homework and action item is to come up with a schedule for folks to have their revised recommendation penned so that we can discuss these at the subteam and then during the plenary call. So, that's my action item. So, the short answer to your question is over the next couple of weeks.

JONATHAN ZUCK: Okay. Thanks, Lauren. Let's go back up to Recommendations 9 and 11, because Megan is on the call and held the pen on them. I forgot that you held the pen on those. So, Megan, if you would, talk to us about updates to Recommendations 9 and 11.

MEGAN RICHARDS: Oh, good, they're on the screen. I can't do two things at once. As I said earlier, what I've done is go through all the public comments and review them, and try to clarify a bit more in the recommendation [inaudible]

some of the issues that were raised in the public comments. There were some public comments that were just the same thing on every single recommendation, such as, “We don’t know how much it’s going to cost until we do a cost benefit, which [inaudible]” Some sort of repeated what was already in the text of the report, putting a very slight spin on it or emphasizing certain aspects more or less. I don’t think that changed the recommendation per se.

So, in some cases, it was asked to clarify who should actually carry out the work and to provide a little bit more clarification on divisions of labor. I suppose that’s the best way [to put it.] So, what I’ve tried to do is make a little bit clear in the recommendations, without substantially changing the recommendations, because in all the cases, I think the recommendations still stand. So, that’s really what it is. It’s trying to clarify and update the recommendations to reflect a bit more some of the issues that were raised in public comments. So, same for 9 and 11, and in fact all of them. And the revised text is on the screen. So, I’m happy to take any questions or comments, or whatever.

JAMIE HEDLUND: If no one else is in the queue, I have two questions.

JONATHAN ZUCK: Go ahead, Jamie.

JAMIE HEDLUND: Okay. The first one, it’s not clear from the language, continuing to carry out the periodic survey, whether that is intended to be a prerequisite or

every subsequent round, or just a prerequisite for the upcoming subsequent rounds. I'm just wondering whether we can clarify that. Any thoughts on that?

My second question is what does it mean that it's carried out in a way to be determined in association with the PDP Working Group, the ICANN gTLD marketplace index and any future CCT review? It seems kind of muddled in terms of what has to happen when, and who's in charge. And I guess the question is, what is in association mean?

JONATHAN ZUCK: Megan, do you want to field those questions?

JAMIE HEDLUND: Maybe we've lost her.

JONATHAN ZUCK: She's still listed. Oh. It might [inaudible]

MEGAN RICHARDS: Can you hear me now? [inaudible]

JONATHAN ZUCK: We can hear you now.

MEGAN RICHARDS: [inaudible] microphone cord. Okay. Sorry, I was talking over you, Jamie. You probably didn't hear me. Just as well, since we were talking at the same time. No, I thought the recommendation was quite clear, but some of the people who read it didn't understand it. There is a survey of registers which has been carried out previously, as you know. Then a new one was carried out just during the time of the CCT review. So, I think it's inappropriate for us to say this should be done every five years or this should be done every two years or this should be done every particular time. The point was that the periodic survey is useful and important to help ICANN gTLD marketplace index, it's helpful to feed into any future CCT review, and it's also helpful to be looked at by any future PDP Working Group. So, if you like, I can take out the PDP Working Group point, because that might be a little bit clearer, but the PDP working groups specifically said they wanted to be included in any such decisions. But I can take it out. I'm happy to do that. [inaudible]

JAMIE HEDLUND: No, sorry [inaudible]

MEGAN RICHARDS: People will have to figure out what to do.

JAMIE HEDLUND: I had no problem with working with the PDP Working Group, but there are two issues. One is the initial recommendation or the recommendation for the initial survey is – the way I think I read it is that's a prerequisite for the next subsequent round. The confusion

arises when you say continue doing these surveys. Is the intent to make taking of the survey a prerequisite of every subsequent round, or is it just for this upcoming subsequent round?

MEGAN RICHARDS: [It's not even necessary] for the subsequent round, quite frankly, because it's been done. It's a prerequisite to the future CCT review. And if and when it's carried out, it should be done in association with PDP Working Group and with the ICANN gTLD marketplace index. Maybe it needs to be slightly changed. The problem is this prerequisite requirement [inaudible].

JAMIE HEDLUND: Yes, the prerequisite is a problem, but also the "In association with" is confusing because it doesn't really specify who's in charge of carrying out the survey or –

MEGAN RICHARDS: The survey is always carried out by ICANN staff. ICANN staff [doesn't necessarily] carry out, but ICANN staff manages the survey.

JAMIE HEDLUND: So what is [inaudible] in association with [inaudible] [What does that mean?]

MEGAN RICHARDS: This is what was asked in the public comment. I didn't have it in the first one because I didn't think it was necessary or appropriate. But that's what was asked in the public comment.

JONATHAN ZUCK: Jamie, if I may, I think part of the problem is that this is tied up in this language of – this is stuff already happening, and the shalls and shoulds and things like that. And so I think all this extra language is an attempt to not step on toes and things like that.

MEGAN RICHARDS: Quite frankly, Jonathan, [inaudible]. It says, "Continue to carry it out in a timely and cost-effective manner." And that timely and cost-effective manner is what's determined in association with _____. So, they're to decide. And the PDP Working Group can also say, "We think this should be done next year. We think it should be done in two years." ICANN gTLD marketplace index people can say, "Let's do it every six months," and any future CCT reviews can say, "We need it done before we continue our review." I left the submissions open so that it gives enough leeway so that moving these surveys – which I prefer not going to stop – and determine their appropriate time.

If you like, we can take out prerequisite. I don't really care what it's called. I always found that prerequisite and priority level rather confusing in some cases. Not in all. In some cases it's quite clear. But in this one, which is covering a number of different roles, you can call it whatever you like, quite frankly. Maybe someone else has a better –

JAMIE HEDLUND: So, I think with the prerequisite –

MEGAN RICHARDS: [inaudible] prerequisite to the next CCT review, but it's not to the other thing.

JAMIE HEDLUND: So, I think with the prerequisite, it can be clarified either by making it a high priority instead of a prerequisite, or by clarifying that the prerequisite was for the upcoming subsequent round only, and then you could deal with the vagueness of "In association with," say, [inaudible] something like, "After consulting with blah, blah, blah," and then carrying out the survey as appropriate in consultation with these other groups.

MEGAN RICHARDS: That's fine. Yes, it says in a timely and cost-effective manner. I thought that was the best assessment, because people said, "We don't want to do it every week, we don't want to do it every year" and they implied that that's what it was saying. Prerequisite – as you remember – was a codeword that we used, meaning it has to be done before the next CCT review. That was our codeword, that was what prerequisite meant according to our –

JAMIE HEDLUND: Right.

MEGAN RICHARDS: So, I can take that word out. [inaudible] So it has to be done –

JAMIE HEDLUND: Yes. And the uncertainty arises with the continuous nature of this recommendation. That's all. And so if it's going to be a prerequisite, just clarifying that it's [inaudible]

MEGAN RICHARDS: No, but it doesn't say it's continuous. Jamie, excuse me. It doesn't say it's continuous. It says periodic survey. So, it [inaudible]

JAMIE HEDLUND: Right. So, [inaudible] more than just before the subsequent round, right? So the question is [inaudible]

MEGAN RICHARDS: Not necessarily. It says in a timely and cost-effective manner. This is just common sense. You would do something that makes sense under the circumstances. I can't predict the future. I don't know if there's going to be a new gTLD round, I don't know if there's going to be a new CCT review. I don't know if ICANN's TLD marketplace index is going to be published again. So, I wanted to put it in a context that gave all those people sufficient common sense and reasonable ability to use this in a

timely and cost-effective manner. We've already invested a lot of money in doing it twice, so [inaudible]

JAMIE HEDLUND:

I get all that, but we also have to understand how to implement this, and the language that's there – I think anyway – is sufficiently open ended and vague to create lots of debates within the community as to what is timely and cost-effective, how often they should happen, and whether or not they should take place prior to any future subsequent rounds. I have no problem with the meat of the recommendation, it's just clarity around implementation would be extremely helpful.

LAUREEN KAPIN:

Can I jump in perhaps?

JONATHAN ZUCK:

Yes. Sure, Lauren.

LAUREEN KAPIN:

So, I think Jamie and Megan both raise good points. I think a couple of things. First of all, I think what we're talking about more specifically is the global registrant survey, and we probably want to call it that because that's what it's called in our report, so that there's no ambiguity about what we're talking about in this periodic survey of registrants.

In terms of specificity regarding implementation, maybe we want to tie this survey to some time period prior to subsequent rounds, whenever they may be. I'm not sure we do or we don't, but if we're looking for more specificity, we might want to try and identify some sort of trigger point. When does it make the most sense to carry out this survey? And it could be actually either at a point in time before a next round, or a point in time after to measure the effect. So, I just offer that as a suggestion that if we're looking for clarity of implementation, we may want to think of what should trigger this, when does it make the most sense?

In terms of the "in association" language, perhaps what we wanted to say in terms of more precision, maybe perhaps to be determined by the PDP Working Group as informed by their discussions with points of contact regarding the pertinent initiatives. That also sounds vague, but my general concern is that –

MEGAN RICHARDS:

But Laureen –

LAUREEN KAPIN:

I just want to finish my sentence, and then you can jump in, and I want to hear what you have to say. We have this gTLD marketplace index, we have the [inaudible] we have the health index, and that's what we have now. But they could change names five more times. Two could be added, one could be subtracted, and my general observation is that the groups working on these issues are in flux, and perhaps what we want to do is just try and say, "Confer with the folks who are working on

these types of initiatives, don't just do it by yourself." But go ahead, Megan.

MEGAN RICHARDS: Yes. Sorry to jump in. I would not say that it's PDP Working Group who should determine this, because this is also something that feeds into future CCT reviews, and is also something that ICANN staff needs for the gTLD marketplace index. So, I wouldn't want it to be determined by the PDP Working Group. That's why I said "In association with," so everyone participates, everyone says, "We need it for this time, we need it for that time, we need it for some other time." And then it's determined what the exact timing is most appropriate. But that seems to be very confusing for everyone.

LAUREEN KAPIN: I have to agree, it's the, "In association with." But maybe we just want to say, "To be determined by consultations among..."

MEGAN RICHARDS: "In consultation with," sure. "After consulting with." How about that?

LAUREEN KAPIN: Yes, something like that, and then –

MEGAN RICHARDS: Let's say, "To be determine after consulting with." Okay. So, maybe whoever is managing the slide, maybe you could do it in real time and

then we can see it on the screen and I don't have to try to find it again and redo it, and then it'll be [timeline].

LAUREEN KAPIN: And then just getting back to Jamie's point which I heard you raise about whether this should be a prerequisite or not, I admit I'm still a little confused about whether it would be a prerequisite or not. It sounds like it wouldn't be a prerequisite for this round, but it may be a prerequisite for future rounds, in which case we'd have to adjust this priority.

MEGAN RICHARDS: But then just [inaudible] prerequisite categorization was I thought not for next round, but for next CCT review.

LAUREEN KAPIN: I don't think so.

MEGAN RICHARDS: Is it prerequisite to a next round?

JONATHAN ZUCK: It was before further subsequent procedures, Megan. So, whether it's a round or not, but yes, prerequisite meant to happen before there are any more new gTLDs.

MEGAN RICHARDS: Okay. Well, that's definitely not necessary. It's [still] prerequisite to any future CCT reviews, but it's not a prerequisite to a new round because that's [inaudible]

JONATHAN ZUCK: And so the CCT review milestone was actually a low priority.

MEGAN RICHARDS: Okay, so change it to low then. Whoever's got it on screen, can you change it to low? Change the level to low, and change "In association with" to "After consulting with," and then that will be fine, I think.

JONATHAN ZUCK: Jamie, do those two changes address your concerns?

JAMIE HEDLUND: They do.

JONATHAN ZUCK: Consultation with and low priority? Okay.

JAMIE HEDLUND: Yes, absolutely. Thank you.

JONATHAN ZUCK: Yes. Any other questions for Megan on Recommendation number 9? Do you want to move on to Recommendation 11?

MEGAN RICHARDS: Sure.

JONATHAN ZUCK: Thanks.

MEGAN RICHARDS: This one is low, and this one is again just updating based on the comments. And why do we have respondent's assessment of a [positive contribution]? I don't know why I put that in. Oops. Is it gone for you? Oh, no, there it is. It's back on my screen.

So, again, the comment that was made here, the most prominent comment was that other work was being carried out by ICANN staff, particularly on the gTLD marketplace index, and that this work should also complement that activity. So, one of the important things is to make sure that common sets of indicators and information are used across the board so that we have similar assessments made. I don't think there was a particular problem with that, quite frankly. In analyzing either the gTLD marketplace index or in the surveys that we got, I didn't find a contradiction between the results or the information, but I added it in because that's what was requested in the public comments. So, that's the primary change, and as you can see, the priority is low.

I can't hear anyone. Is anyone talking? Jonathan, are you still there?

UNIDENTIFIED FEMALE: I can hear you, Megan. I don't know if others lost their audio.

UNIDENTIFIED MALE: I have been hearing you, Megan.

MEGAN RICHARDS: Good. But we seem to have lost Jonathan or whoever is running the show. Who's running the show? Not me.

UNIDENTIFIED FEMALE: Well, even Alice lost audio. I think we may have an issue in the room.

MEGAN RICHARDS: Maybe some people can hear and some can't. Oh.

UNIDENTIFIED MALE: [inaudible]

MEGAN RICHARDS: Oh, Laureen can't hear Jonathan. I can't hear Jonathan either. No, Jonathan, we can't hear you, if you're talking. It's the first time we can't hear Jonathan. Usually we hear only Jonathan.

LAUREEN KAPIN: So, I'm just going to make a general point while we're waiting for audio to resume for Jonathan. In terms of terminology for the surveys, I think as an action item perhaps during the review process, whatever QC we go through, that we need to make sure we all refer to the surveys with the same title, just for consistency's sake so that everyone knows what we're talking about, because I think we'd settled at some point on some convention for what we're calling each survey, and I just want to make sure that that flows through all the recommendations as well so there's no lack of clarity there. And if we can put that as an action item so that we don't forget about it, that would be superb.

MEGAN RICHARDS: Laureen, that's an excellent idea, but would it not be better for the editors to do that? Someone said that someone was going to edit this.

LAUREEN KAPIN: I agree, I'm not... Yes. My suggestion is absolutely for the editors. I just want to make sure it doesn't get lost as an action item.

MEGAN RICHARDS: Yes. No, I agree. It absolutely has to be done.

JONATHAN ZUCK: Hi, folks. I'm back. Can you hear me now?

MEGAN RICHARDS: Loud and clear.

JONATHAN ZUCK: Perfect. All I had said before was actually I read out Lauren's recommendation from the chat. So, that's all you missed. Are there other questions about this recommendation? Okay, so with Lauren's note to make sure the language is consistent between the two, let's see if we can loop Jordyn in to discuss the parking paper, depending on the quality of his connection.

JORDYN BUCHANAN: At the moment, I think my connection is okay. Can you hear me?

JONATHAN ZUCK: We can.

JORDYN BUCHANAN: Okay, great. I'm just about to get into a –

JAMIE HEDLUND: Jordyn, you're very faint.

JORDYN BUCHANAN: Is this any better?

JAMIE HEDLUND: Not much.

JORDYN BUCHANAN: Maybe not?

JAMIE HEDLUND: Maybe it's just me, but I can barely hear you.

JORDYN BUCHANAN: Give me one second. I'm about to get in my car, and maybe that'll reduce [inaudible] noise. Alright.

JONATHAN ZUCK: I think you're fairly clear, Jordyn, just speak up, and Jamie will just have to turn off the music in his background or something like that.

JAMIE HEDLUND: Adjust my hearing aid.

JONATHAN ZUCK: Exactly. Jordyn, are you still there? Well, that was short lived. It sounds like we may have lost him in the car. I blame Jamie.

Okay, let's skip ahead to Megan's modifications on the application evaluation Recommendations 47 through 50, Megan, if you don't mind, and then when Jordyn is back on, we'll pick parking back up again.

MEGAN RICHARDS: Okay. Sorry, I was reading something else because I thought we were going into parking, which I've already commented on. Can you put up the recommendation?

JONATHAN ZUCK: Jordyn, are you back on?

MEGAN RICHARDS: Oh, there's Jordyn back again.

JORDYN BUCHANAN: Yes, I just got back on. Hopefully better, hopefully more reliably.

JONATHAN ZUCK: Alright. Thanks, Jordyn.

JORDYN BUCHANAN: Okay, great. So, as folks have hopefully seen, I sent out a new draft of the parking paper last night. I think the three principal revisions took place – some minor wordsmithing to make different points of emphasis, but I think the three principal revisions are first of all to have some discussions about the fact that we have sort of lost the parking adjusted calculations altogether and how some folks had thought that it was still useful to at least express the sort of possible range of options that parking might reflect.

So, I added in a footnote, the sort of parking adjusted calculations – I stopped calling them parking adjusted market share and just said, “If you compare the market including parked domains it looks like this, and if you exclude parked domains it looks like this with the lower numbers.” That’s just in a footnote and it sort of says at the extremes, this is what one alternative view might look like. So, I think hopefully that’s sort of a balanced treatment of those numbers and the new language is sort of more useful than not.

Secondly, I introduced a new section on the correlation to DNS abuse. That includes unwritten text that relates to the actual DNS abuse study, because we haven’t yet seen the actual language that the DNS abuse study is going to include, so that’ll have to come later. But it also includes a citation to the parking [census] paper that Kaili sent around some months ago that does point out that some parking pages have been used to distribute malware and promote scams and so on, and so to an extent we also see that correlation in the DNS abuse study. It seems to make sense to call that out.

There’s a footnote there that notes that – Drew and I talked about this a little bit in Johannesburg – it’s not clear whether the parking pages themselves are distributing the malware or if it’s just like they host ads that happen to be – the ad networks have been used to inject the malware. There’s actually a reference to the possibility that it’s the ad networks in the parking census paper that’s cited, so there’s a footnote to that extent as well, whether it’s the fact that they’re parking pages or just that there’s a bunch of ads on them and sometimes the ads carry malwares is an open question.

And lastly, there's an update to the recommendations to include some more fidelity around exactly what should be done with the parking data in terms of future studies.

So, those are the edits that I made last night, and I guess I'll just pause there to see if folks have questions or comments. Megan had sent out a suggestion or a question this morning, and I know Lauren had some feedback as well, so happy to talk through any of that.

JONATHAN ZUCK: Lauren.

LAUREEN KAPIN: Thanks. I have – as I think Jonathan and Jordyn know – really tried to delve into this more closely, because first, I found the topic confusing, and second, I was dismayed that the handling of this at least played a role in certain unfortunate withdrawals from the subteam. So, I really wanted to make sure that – and also I observed that our discussions on this in Johannesburg were time pressured and perhaps not under ideal circumstances, so all that is to say that I have gone back and looked at Stan's May rewrite of the competition section and then Jordyn's subsequent rewrites, some e-mails between the subteam, the transcript of the discussion that took place when the plenary looked at parking, and then Jordyn's rewrite now.

The reason I'm saying all this is to tell you that my comments are the result of a lot of reading and trying to grapple with this. What I'm left with is I'm still not comfortable with our approach. I think that this is a

very complicated topic, and I think what drove – or even looking at this topic was our suspicion and then our confirmation that first of all there was a high number of new gTLDs that were parked, and it was high not only in and of itself – I think it's 68% – but it was also higher than the number of legacy domains that were parked. So, I think part of that is what drove our recognition. And then I think our subsequent discomfort was, "Okay, we have this high number, but what does it mean?"

I'm still not convinced that we have that question answered. In fact, I think we all acknowledge that we're not sure what it means at this point, but instead of reporting the figures that we do have when we adjust for parking and saying we're not sure what it means, it could mean that this affects competition in a negative way or it could mean that it affects competition in a positive way, we only give one hypothesis about renewal rate. We handle that in a very simplistic way, and I'll tell you that I profess no expertise here, but I have talked about this with Stan and I have looked back at a series of e-mails where Stan made very specific suggestions about how he thought this should be handled and compared that to how it was handled, which was very different. We basically drew up what I see as a paper tiger saying, "We looked for a correlation, we did this very simplistic analysis that by the way is inconsistent with the way we handled other things, and said we don't see anything so we're not sure it has an impact, but it deserves further study."

And in looking back over everything, it seems to me what we need to do is present the analysis we do have, present a range of hypotheticals which would include not only looking at what impact parking might have on renewal rates, but also having the other hypotheticals that I

think Jonathan has posited from time to time. What if parking really has this pro market rivalry impact? What if parking actually is this incubation period that allows the new gTLDs breathing room to figure out what they're going to be three years from now?

So, I just think we need to present a range of alternatives, and then give more specific recommendations for further study. And if we're going to present one hypothesis, I think we need to present hypotheses that go in the other direction too. And then I'll leave it with the recognition that for all our other competition discussion, we treat parked domains exactly as every other domain. We don't treat them any differently even though we know they have very different characteristics, and in some quarters, they may be viewed as not contributing to market rivalry in the same way as a domain that has specific content.

It's only in this section that we deal with this issue of, "Should we treat parked domains differently? Do they have a different ramification for competition?" And it seems to me that because this is the only place we deal with it, we should present the data we have, and then we should be very up front that it's a complicated issue, that we're not sure how to define it, and if you define it one way, you may have a certain result, if you define it another way, you're going to have a different result. Basically that it's complicated, and here are some very specific ways you can study it to get a better handle on what impact this has on market rivalry but we're not there yet. So, I know that's a mouthful and a lot of things to say but that's where I am on this issue.

JORDYN BUCHANAN:

Thanks, Laureen. So like in terms of practical changes to the section, are you suggesting there should be some reflection of the fact that there are other hypotheses that have been raised, that parked domains could be pro-competitive, and also would you suggest calculation? Like we go to [inaudible] that Stan proposed, which only includes parked domains in terms of market share calculation. That would seem strange to me. But it's sort of the equivalent, right? Which is to say these are so much more pro-competitive that we'll just ignore all the other ones. That seems obviously wrong to me, and it seems clear that some non-parked domains contribute to competition, but we could certainly mention other hypotheses, but I'm not sure what that means in terms of data or calculations that we might include. Let me stop there. I have another question about the recommendation as well, but I'm just trying to get some color around what you mean by "include other hypotheses."

LAUREEN KAPIN:

Sure. So, in terms of practical, I'll send something around that has more specific recommendations, but I would start off with an introduction that recognizes the complexity of this issue instead of launching into the figure itself, because I think you need that context, first of all that it's complicated, and second, that this is the only place in terms of our competition analysis where we're treating parked domains any differently. In terms of the hypotheticals, I would absolutely include hypotheticals that go both ways instead of just including the one on renewal.

I also would acknowledge that there are different ways to define parking, and depending on how you define it, you're going to have

different results. It's also unclear to me how we defined it. We give this Halvorson definition, but I'm not sure we stay with specificity whether we used that or not, whether the Analysis Group used that.

In terms of additional calculations, actually I'm on the opposite. I don't think we should be doing any new work on this. In fact, I would take out that calculation on renewal rates, because the only economist on the team – even though he's no longer on the team – seems to have so many reservations about it. And as I said, I'm not an economist, but if Stan has reservations about it, then I think we need to take that into account. Those are my answers to your first couple of questions.

JORDYN BUCHANAN:

Are you saying, Laureen, we should remove – basically, all we have right now is a statement saying we performed this calculation and it didn't find a correlation. Are you saying we shouldn't say that, we should just ignore the fact that we tried to find something and we couldn't?

LAUREEN KAPIN:

My concern is that we didn't try to find that in a way that our economist thinks is a valid way to find it.

JORDYN BUCHANAN:

Sure, but –

LAUREEN KAPIN: I'd rather have it removed than have something that is done the wrong way. And again –

JORDYN BUCHANAN: What we end up saying is that no hypothesis prevailed, right? Which means we didn't find anything. We're not saying that there isn't a correlation, we're saying that we weren't able to see a correlation. The current language explicitly says that a more robust study might find a correlation.

LAUREEN KAPIN: I know, but I guess I'm concerned that that's the wrong way to approach it. And I really can't say it any other way, because I'm not pretending to be an economist. If Stan is concerned, I'm concerned.

JORDYN BUCHANAN: I guess I would – it would trouble me greatly for us to have done work, had some results from that work and not even mention the fact that it happened. I feel like there's nowhere else in our report where we've done a bunch of work and we don't even mention the fact that it happened.

LAUREEN KAPIN: If you're going to get into that point, didn't Stan create all these tables about the – aren't there a whole bunch of tables that Stan did a whole bunch of work on that are now not in here? I compared his original rewrite of the competition section that had all these tables particularly

on not the comparison to the number of new gTLDs that registered, but the concentration among registrars which didn't change much with [heart]. But if that data as I'm reading this I don't think is in here anymore. We did all that work and it's not here.

JORDYN BUCHANAN: The numbers on market share are included in the footnote, and there's [inaudible] that says we also computed for market [inaudible]

LAUREEN KAPIN: I'm sorry, you're –

JONATHAN ZUCK: This is Jonathan.

JORDYN BUCHANAN: Okay. Go ahead, Jonathan.

JONATHAN ZUCK: I think the data acquisition itself is in there, Laureen, and the analysis performed on that data was basically downgraded to a footnote rather than elevated [inaudible] other charts that we include because we didn't come up with a justification for treating parking data as anticompetitive. So, it's still in there in there in the footnote to kind of show one of the ranges of possibilities and kind of the extreme example, but we decided – collectively on the call – not to include the calculations in the body of the text because absent a justification to do

so and absent a more rigorous understanding of how parking should be treated. So, it is still in there.

LAUREEN KAPIN: I think we're talking about two different things. I'm not talking about the difference in registration, which I think is referred to in Jordyn's footnote six. Right, Jordyn?

JORDYN BUCHANAN: I'm not looking at the doc right now, but both the market share and market concentration calculations are referenced in that footnote. There are the explicit numbers on market share, and then on market concentration it says we also computed on market concentration, but those numbers didn't really change. So, that's just summarizing Stan's table. If you look at Stan's table, the numbers are almost identical.

LAUREEN KAPIN: Right. But that is what I'm talking about, the market concentration. I guess I would include that in a footnote, because it's already done, so why not include it to show our work, as the math teachers would say? And I don't disagree – just to be clear – with including this information about the change in parked registrations from market share in the footnote. I have no problem with that, just to answer that question. I do think we still need to look at the second part of this footnote 6, this, "Looked at another way" language. I'm not sure that that part is accurate, that "looked at another way."

JORDYN BUCHANAN: That's just a copy and paste from Stan.

LAUREEN KAPIN: No, it's not a copy and paste from his latest version, actually. It's not a copy and paste from his competition rewrite in May. It is not in that section, at least as I've reviewed it. I think you may have been looking at an older version.

JORDYN BUCHANAN: Maybe. I'll take a look and try to see.

JONATHAN ZUCK: Okay. Thank you. I guess maybe it's just a question of Laureen, if you want to take a crack at the language that Jordyn had surrounding whatever analysis we did with respect to renewals to – if you're comfortable that it doesn't suggest that it's dispositive, then that's probably worth doing, because obviously, the intention is not to suggest that the work that got done was dispositive. It simply didn't succeed in finding a correlation, but it didn't disprove one either. Kaili, do you want to go ahead?

KAILI KAN: Yes. Thank you, Jonathan. Actually, just [inaudible] discussion, I don't have much to say. I agree with Jordyn's update on the rewriting, and also, I think Laureen's concern of hypotheses only being one direction is also a valid point, because I think what we agreed in here or explained

here is that whilst the parking phenomenon is not to be overlooked because of the [inaudible] percentage occurred.

Secondly, we do not reach a certain conclusion on the effect, whether it's positive or negative. So, I agree with Jordyn that whatever we have [done,] we want to release the work that we have already reached, for example, including that we [did] have a hypothesis about the renewal rate. However, given the data, that [doesn't] prove anything, we do not see a correlation between the two pieces of data. But that's also pieces of data].

On the other hand, as Lauren mentioned, yes, [Stan had substantive calculations.] We can also mention that with the [inaudible] about the [inaudible] about the renewal rate and so forth. So, that is we leave as much as possible for future studies. We are [inaudible] I see is we're recommending future further studies as part [inaudible] about that. And also, I think further rewrite here [and suggestions of] Jordyn and Lauren, and I think we will make it good and extensible by everybody. Thank you.

JONATHAN ZUCK:

Thanks, Kaili. That makes sense. As far as the alternative hypotheses, some of those came from me, so I can take a crack at the section on why we need more study, and here's a bunch of hypotheses, basically, and include some of the pro-competitive hypotheses. Just to clarify, Jordyn, Stan was [inaudible] calculation of just the parked domains. That particular hypothesis was that when there was a redirect, you could imply that the old URL was going to go into disuse after links, etc. had

sufficiently aged, and that it would in fact be dropped. So, one possible calculation is when there was a pointer to not count the domains to which it was pointed.

That's all that was. But I can take a crack at updating that part of the language. And Lauren, if you want to just take a crack at updating language around the renewal rate exercise that we did do to make it sufficiently clear that it was not dispositive, that might be a good next step as well if you're up for that.

LAUREEN KAPIN: Sure. I'll send something around.

JONATHAN ZUCK: Okay. Are there other questions or comments about this for –

JAMIE HEDLUND: I just have one minor comment.

JONATHAN ZUCK: Please go ahead.

JAMIE HEDLUND: Thanks. Which is there's a sentence that says, "Because the parking rate is so large..." And then it goes on to talk about what needs to be looked at. I think I suggested this before, that it would be helpful to put that

68% in context and mention there – even though it’s mentioned further below – what the parking rate is for legacy gTLDs, which is 56%, I think.

LAUREEN KAPIN: Right.

JAMIE HEDLUND: So, I think it’s fine to say it is large, because 68% is large, but I think it’s also important to just put it in context for the rest of the gTLD marketplace. Thanks.

JORDYN BUCHANAN: Yes, I think this may make sense alongside – if we’re going to have some introductory text as Lauren suggests. I think it may just be helpful to note parking is a big, complicated thing that’s pervasive in the gTLD marketplace in general, and show that more often in new gTLDs it’s pervasive, it’s common, it’s a big issue that probably deserves more study, because it’s clearly not just limited to the new gTLDs, given that a majority of legacy gTLDs are also parked.

JAMIE HEDLUND: And one hypothesis for explaining the delta may be that speculation in a new market accounts for a majority of this, or some portion of the difference from legacy to new.

JORDYN BUCHANAN: Yes. I think that is something that the Halvorson paper that the citation there sort of talks about speculation or failed developments as being possible reasons for parking.

JONATHAN ZUCK: Kaili, I assume that's an old hand, not a new one.

KAILI KAN: Yes. Thank you, Jonathan. I just want to say that I agree with Jamie and Jordyn that, yes, we include parking rates for the legacy gTLDs. [inaudible] on the equal footing. I think that's more objective. Thank you.

JONATHAN ZUCK: Thanks, Kaili. Any other questions or comments or confusion about this that people want to raise as we go back into doing another round on this very important topic? Okay, I think we have some marching orders. Laureen, Jordyn and I will work on the next rev of this section.

All right. Megan, you are back up to talk about your modifications to Recommendations 47 through 50. Megan, do we still have you?

MEGAN RICHARDS: I forgot to unmute the microphone. I'm back.

JONATHAN ZUCK: There you are. Thank you.

MEGAN RICHARDS: Okay. So again, maybe we should look at these again in terms of the prerequisites. At the time, I thought they made sense. But maybe we have to look at it again in terms of the priority.

So 47, yes, I think that's a prerequisite to the next round clearly. So what I added was to make sure that the process be developed to identify regulated and safeguard at COD, to make sure that each of the actors have a clear role in the development and application of new procedures and processes. This is because – and we discussed this quite a lot in reviews and in the development of the recommendations. This was to make sure that the way in which GAC advice was provided which by the new Bylaws have [inaudible] have to be justified, have to [inaudible]. But one of the things that is important for future users or applicants was that the GAC advice also be very clear to them that they could clearly identify what they had to do.

So that's really all it does and seeing the Applicant Guide Book should clarify the process [inaudible] and make sure that the timelines are absolutely clear. So that obviously goes in Subsequent Procedures PDP Working Group. They say they're already on it. They've done everything that's necessary, I find that a bit hard to believe. But I think that doesn't mean that the recommendation [can't fix]. And it's certainly a prerequisite to a new [round].

JONATHAN ZUCK: Questions or comments? Okay. Seeing none, Megan why don't you proceed onto the next.

MEGAN RICHARDS: Okay. And then the next one related to community-based applications, which I separated out from some of the others because it was particularly complex and particularly commented on, so that way by various different groups including GAC, including community representatives. Right. There was an independent report done on it.

Even though the Ombudsman [did its own] initiative reports and some that approved that itself in this particular case haven't been violated their [reviews], it was clear that I think almost everyone commented on it. So that the procedure in the future should be streamlined, verified, made more transparent, etc., etc.

And in the public comments this was endorsed. But there was a couple of additional comments, so I just tried to make it even more wordy, something I don't like too but I did in this case to say in particular these improvements and clarifications should direct transparency of process, [inaudible] criteria of eligibility and objection, and recourse to appeal. Those were all in the various citations that I added in the text. So they're now slightly clear or – in addition in the recommendations itself.

I don't hear any voices.

JONATHAN ZUCK: Thanks, Megan. I don't hear voices either, nor do I see hands raised in Adobe Connect. I think Jamie is the only one on the phone only, so I would go ahead and –

MEGAN RICHARDS: Go to the next comment?

JONATHAN ZUCK: [This] is acquiescence.

MEGAN RICHARDS: Let's go to the 49. I can't see it on the screen yet. Sorry, I got distracted. Someone's calling me. Sorry, just a second. Are you there? Sorry, I have to go and do something.

So here I made a minor adjustment and added a particular additional clarification here to say that the Subsequent Procedures PDP should fully review the process carried out during the first new gTLD round and blah, blah, blah, which we already have. And then I added the traditional subpart to say "Review and clarify the criteria for each formal objection [round]," which [is something] again seen too in the public comment. I thought that

it was clear enough but they wanted it even more to say. So that's all that's been done there. Can you hear me?

JONATHAN ZUCK: Yes, we can.

MEGAN RICHARDS: Okay. Good. And then 50, I just did also – I didn't change 50 because for me, that was reinforced many times in the public comments. Everyone thought that a clear process for dispute resolution was absolutely essential. I put it as [low] because – not because I think that it's not a prerequisite. I think it should be done but it's not necessary to start a new round before this is done. But it has to be done before the round ends, if you see what I mean. So that the processes are clear during the next round.

So if you want to change the priority, fine. But it doesn't have to be done before the launch of the new round. It has to be done before the end of the new round, if you see what I mean. So that then any new dispute resolution can follow a new approach and be clear.

JONATHAN ZUCK: Megan, this is Jonathan. I confess I'm not entirely clear on that, the station. It's the way that's – the low priority suggests that this review needs to be carried out prior to a new CCT review. And

therefore it wouldn't affect dispute resolution within a future round. If we wanted to have an impact to our future round, it's either got to be the prerequisites or high priority probably in order for it to have – for these reviews to offset the way the dispute resolutions are handled in subsequent procedures.

MEGAN RICHARDS:

I agree. But my reasoning was that this would not be possible in time for a next round because at the time I wrote this, which was I don't know maybe a year ago. I don't know exactly when it was. Sometime ago, my understanding was that the PDP Group was driving forward and they were ready to launch immediately. And for me, a proper review would take a lot of time and it wouldn't be done in time. But I mean obviously it would be better if it was done before a next round took place. And I see it's an absolute prerequisite. I don't know. It certainly wasn't optimal. There's no question about that. But I find it a bit difficult to say it's absolutely of interest.

JONATHAN ZUCK:

Jordyn is recommending I think that it would be changed prerequisites to notify our intentions. People can push back. But it sounds like that's our intention.

Laureen, you've had your hand up. Go ahead, please.

LAUREEN KAPIN: Yeah, it was just following up on quick comments that you made actually already, Jonathan, which is if what we mean is that we want these objections and dispute resolution processes to be clarified before the next round. And I think we need to be precise and say it that way. Because as I understand it, Megan, you're saying get these dispute resolution mechanisms in place so that they are available to folks to participate in the next round. So I think that timing needs to be clarified with the concomitant change of the priority level.

JONATHAN ZUCK: Thanks, Lauren. Jordyn, do you want to verbalize your chat? Are you still able to?

JORDYN BUCHANAN: Yeah, sure. I mean there may seem contradictory points. I don't think they are. On the one hand, I think if we think that it needs to be done prior to the next round, it shouldn't matter if we believe that it actually fits with the current timeline, although who knows what the current timelines are. And we should make it a prerequisite.

Having said that, if it's just like, "Oh, we need to do more analysis," I'd be pretty reluctant to make something like that a

prerequisite, especially since it's not even clear where that would feed in. If we're saying the PDP needs to look at this issue, I think that's fine and that might be reasonable to put in as the prerequisite. I think they'll say that they have done that already. But if it's just like, "Oh, there should be some more study and it's not clear who would consume that study," it seems very hard for me to justify calling out a prerequisite since it's not even clear what process it would feed into that's designed to do something prior to future gTLD release.

JONATHAN ZUCK:

Thanks, Jordyn, and that might be just a call for greater specificity in terms of what it is that would need to be developed prior to a new round, which I think David has touched on in his comment. David, do you want to speak up? Are you able to? Sorry. Your microphone just come off mute.

DAVID TAYLOR:

Yep, I think so, if you can hear me.

JONATHAN ZUCK:

Yes, we can. Thank you.

DAVID TAYLOR:

I was just saying I just think to me they seem to be a necessary thing to happen for the next round and importantly, whether or not there's an

appeal system that needs to be clear because when you stop playing a new round, it wasn't clear [something to be] requested and many people didn't want an appeal because they thought it would cause delay, etc. I think those same people who wish there haven't been an appeal probably now wish that there had been an appeal mechanism because it probably wouldn't have been the length of delay going through the various other accountability mechanisms, so I think you need to have that playing field clear [or] people [stop playing] it again.

JONATHAN ZUCK:

So just speaking in terms of trying to clarify all these comments, it sounds like if we add greater specificity to the recommendations, that it addresses all of the concerns and in other words, figure out what it is that needs to be decided and clarified, which appeal mechanism is one thing. If there's other things, then list them, and then make the determination about the future of those things a prerequisite. Does that basically address, Jordyn, your concerns about making it a specific enough recommendation to make it a prerequisite?

JORDYN BUCHANAN:

Yeah, and I think it just has to be clear that we're making a recommendation to the Subsequent Procedures PDP if that's the case, right? That's really the only group that can create an appeal mechanism here.

JONATHAN ZUCK: That's right. And that's why it's aimed at them, so maybe instead of just saying a thorough review, it should say something like specifically [inaudible] should identify X, Y, and Z, one of them being appeals. I don't know if there's something else. David, if you want to put in besides appeal. Sounds like maybe not, so [inaudible].

Okay, so why don't we add a line at the end of it that says specifically the Subsequent Procedures PDP Working Group should – I don't know the word I want here – should determine whether or not an appeals mechanism would be appropriate? So can you make that change, Megan?

MEGAN RICHARDS: No. I proposed that I'm not making any changes. I proposed that the changes be made by whoever's got this thing on the screen and that it's done in real time and you have the final version. Because I haven't made the changes before. That's what I asked. I presumed that whoever has this online is making changes to it at the same time. I didn't make the changes the last time.

JONATHAN ZUCK: Okay.

MEGAN RICHARDS: That was my assumption. That's why I said, can you please change it online? Because I didn't make a note of what was done the last time either. I presumed that the Secretariat was going to make the changes [inaudible]. Because I don't have access to this version on the screen

and I don't have my Word version up on the screen either because I'm working on something else [inaudible].

JONATHAN ZUCK: Okay. Alice, can you just make a note in the action items that we need to add a line to Recommendation 50 specific to appeals?

ALICE JANSEN: Yes, Jonathan.

JONATHAN ZUCK: Thank you.

JAMIE HEDLUND: Hey, Jonathan. I apologize. I lost connection for two minutes. Did you already go over 47 and 48?

JONATHAN ZUCK: Yes. Did you have questions about them?

JAMIE HEDLUND: Just a couple minor comments and they're very minor. I can send them separately or just go over them now, however you want.

JONATHAN ZUCK: I think at this point, if you'd be willing to just take a pen to those recommendations as written, then we can go over them one last time if they're minor edits, then they shouldn't have any trouble.

JAMIE HEDLUND: Yeah, okay. Sounds good. Will do. Thank you.

JONATHAN ZUCK: All right. Thank you. Okay. I know we're basically out of time here. I just wanted to discuss a couple more items while I had most everyone still on the call. Can you, Brenda, can you bring up the heat map? So, some of you may recall from our face-to-face at Johannesburg that [inaudible] brought up the idea of a heat map to kind of show what the trending was associated with the public comments around our recommendations and to give an idea of whether there was sort of general consensus in favor of them or general consensus away from them and sort of where that fell, and so staff put in an effort here to create a pretty heat map.

Lauren has some comments about just the descriptions and column headings and things like that to, for example, make clear that the numbers across the top are recommendation numbers and to do something to clarify the area below here, what these numbers mean below the chart and the title on it and things like that.

And I guess before we [ask] to go through that effort, I wanted to have a very brief discussion with folks about whether or not they believe that the heat map is a useful device at this juncture. Because right now, it's basically capturing the state of the public comments vis-à-vis our

recommendations at the time it's filed, so it's already changing because we're making modifications [with] comments.

And I guess it's unclear to me what the best use of this heat map would be at this time. As an internal tool, I certainly find it interesting. The question is whether or not this is something that has some value to be published to the public. So I'm curious if there's feedback from other folks. I assume my personal feeling at this moment is that it might have made an interesting addition to the staff report on the public comment but that at this time, it would just create more questions than it would answer, but I welcome feedback on that.

So specifically, I guess what I'm asking is does anyone object to me letting this go despite the effort made by staff to create a [data] request? And with thanks and I appreciate it – I'm just not sure what the value of this is in the public form at this time. So, if you've got an objection to letting this go, then please speak up now, because otherwise, that's my intention.

LAUREEN KAPIN:

Jonathan, I agree, if you can see in the chat – this is Laureen – and the reason I agree is that we're in this stage where it's no longer going to be accurate where our final report is going to have a different set of combined recommendations. And the other thing I'm concerned about is we have [viewed] people agreeing and disagreeing with recommendations sometimes inconsistently [inaudible] comment and interpret it differently. I don't want to create this side discussion that I don't think is very helpful ultimately about – what's the word –

interpreting the public comments correctly, particularly when we're [down] to the next stage.

So, I think this is good for us to see that predominantly most people agree with our recommendations judging by the [green] that I don't know that there's any useful purpose served by publishing this.

JONATHAN ZUCK:

Great. Thank you. Jordyn says that it's always [an impression] that it was something that we should use for our own purposes and I was strongly supportive of that and Jordyn said we should look at the areas where there seems to be a lot of disagreement and make sure that we focus on those areas, so we'll do that.

LAUREEN KAPIN:

Yeah.

JONATHAN ZUCK:

So I guess look at your recommendations, which are the ones in which you hold the pen, and those are the numbers along the [inaudible] on the top and see where they fall on this heat map as a guide to how serious do we need to address them in your updates to the recommendations, but we won't be releasing this to the public.

All right. Finally, there's just a couple of slides on the roadmap to final report that I wanted to bring up for folks, as well. So talk around the work that we have to do because as I've been listening in on the subteam meetings, they've been a little bit shorter than we'd like and

progress on making revisions to recommendations has been somewhat slow.

I just wanted to remind people about the roadmap that we all agreed to in Johannesburg and if you recall, we're going to have a final report on the DNS Abuse survey very shortly and we have a little subteam working on the INTA survey and including the call with Nielsen coming up shortly, and the results of those two and the distance made to the study to those two are just three weeks away. So we want to make sure that we make those updates as soon as they have those study results in hand because we're going to release the report and the call for comments on the new [inaudible] or the modified sections that were modified as a result, not as a public comment, but of those two new reports.

But beyond that, you can see – and that we're trying to do that by the end of August, trying to publish by the end of August – but if you scroll down on the roadmap of the final report is that we're looking at really just about five weeks total to finish our work on making the revisions to the recommendations or updates to the public comments tool in Excel that describes our responses to the public comments. And so we have a mid-October deadline to get an entirely new report out so that it can be submitted by October 18th to the ICANN Board.

So, that still remains our deadlines and I just wanted to remind people that I know this has been a marathon but this is sort of the sprint at the end of the marathon when you don't have any more energy but we need to get this across the finish line. So, please as you get your assignments from Jordyn and from Lauren, take them seriously and

let's try to just boulder over the hill and deliver it out to the Board by the middle of October.

That's all I wanted to say. I wanted to remind people of the dates that we agreed to and encourage you to focus on the recommendations on which you have the pen and let's get this updated and up to the Board.

All right? And let's focus in the very near term on DNS abuse and INTA as those questions get resolved in the near term. Thanks and I appreciate your attention to folks that are still on the call. I know people are dropping off. So thank you for your time on the call. Let's get back on top of these subteam meetings and make them as productive as possible by getting our homework done. Thanks.

JAMIE HEDLUND: Thanks, Jonathan.

JONATHAN ZUCK: Any Other Business, questions? Jamie?

JAMIE HEDLUND: No. I was just saying thank you.

JONATHAN ZUCK: Thanks, folks.

JAMIE HEDLUND: Bye.

JONATHAN ZUCK: Have a good week.

UNIDENTIFIED FEMALE: Thanks, Jonathan.

[END OF TRANSCRIPTION]